

Motive When Not an Element of Charged Crime

Let me now explain motive, and in particular, the difference between motive and intent.

Intent means conscious objective or purpose. Thus, a person commits a criminal act with intent when that person's conscious objective or purpose is to engage in the act which the law forbids or to bring about an unlawful result.

Motive, on the other hand, is the reason why a person chooses to engage in criminal conduct.

If intent is an element of a charged crime, that element must be proved by the People beyond a reasonable doubt. In this case, intent is, as I have explained, an element of the crimes of: (specify).

Motive, however, is not an element of the crimes charged. Therefore, the People are not required to prove a motive for the commission of the charged crime(s).

Nevertheless, evidence of a motive, or evidence of the lack of a motive, may be considered by the jury.

For example, if you find from the evidence that the defendant had a motive to commit the crime charged, that is a circumstance you may wish to consider as tending to support a finding of guilt.

On the other hand, if the proof establishes that the defendant had no motive to commit the crime charged, that is a circumstance you may wish to consider as tending to establish that the defendant is not guilty of the crime charged.¹

1. *People v. Seppi*, 221 N.Y. 62 (1917).